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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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9 CALIFORNIA PIPE RECYCLING,
10 INC.

11 Plaintiff,

12 vs.

13 SOUTHWEST HOLDINGS, INC., et al.,

14 Defendants.
_____ /

CASE NO. CV F 08-0236 LJO SMS

**ORDER TO SET FURTHER STATUS
CONFERENCE AND TO STAY ACTION**

Date: July 29, 2009

Time: 8:15 a.m.

Dept.: 4 (LJO)

15 This Court conducted an April 14, 2009 telephonic status conference. Plaintiff California Pipe
16 Recycling, Inc. ("Cal Pipe") appeared by Kerry P. Zeiler, Ko & Zeiler. Defendants Joseph Briers,
17 Southwest Pipe Services, Inc. and S.W. Pipe Holdings, Inc. (collectively the "Briers defendants")
18 appeared by Jason Powers, Powers & Slay. Defendant Robbye Waldon ("Mr. Waldon"), trustee of
19 Joseph Briers' discharged chapter 7 bankruptcy, appeared by David Jones, Porter & Hedges. Defendant
20 Robert Ingram appeared by Nicholas Reisch, Zimmerman, Axelrad, Meyer, Stern & Wise, P.C. At the
21 conference, the parties discussed entering a stipulation to transfer certain claims to Texas courts and to
22 stay Cal Pipe's declaratory relief claim remaining with this Court. After discussion with the parties, this
23 Court:

- 24 1. SETS a telephonic status conference for July 29, 2009 at 8:15 a.m. in Department 4
25 (LJO). The parties's counsel shall appear at the conference by arranging a one-line
26 conference call and adding the Court at (559) 499-5680. The parties' counsel shall be
27 prepared to discuss the status of this action and recommendations to proceed;
28 2. ORDERS the parties, no later than July 22, 2009, to file status reports to indicate the

status of this action and recommendations to proceed;

3. ORDERS the parties, no later than April 22, 2009, to file a stipulation and proposed order to transfer the interpleader portion of this action to the U.S. District Court, Southern District of Texas, Houston Division, and to transfer the Briers defendants' counterclaim to the Brazos County, Texas court;
4. STAYS this action pending transfer and potential resolution of issues in Texas federal and state courts.

IT IS SO ORDERED.

Dated: April 14, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE